

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DR. SHIVA AYYADURAI,

Plaintiff,

v.

WILLIAM FRANCIS GALVIN, in his
official capacity as the Secretary of the
Commonwealth
of Massachusetts and his individual capacity,
MICHELLE TASSINARI, in her individual
capacity, DEBRA O'MALLEY, in her
individual capacity, AMY COHEN, in her
individual capacity, and NATIONAL
ASSOCIATION OF STATE ELECTION
DIRECTORS,

Defendants.

Civil Action No. 1:20-cv-11889-MLW

**STATES UNITED DEMOCRACY CENTER'S MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF**

Pursuant to this Court's Memorandum and Order of May 13, 2021 (Dkt. No. 92), the States United Democracy Center ("States United"), through undersigned counsel, respectfully request leave of this Court to submit an *amicus curiae* brief

Federal district "courts have inherent authority and discretion to appoint amici." *Boston Gas Co. v. Century Indem. Co.*, 2006 WL 1738312, at *1 n.1 (D. Mass. June 21, 2006). Indeed, as the Court has in this case, district courts "frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved," *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005), particularly when the amicus has "unique information or perspective that can help the

court beyond the help that the lawyers for the parties are able to provide,” *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1064 (7th Cir. 1997). *Amicus Curiae’s* proposed brief meets these standards.

The motion for leave to file is based upon the following:

1. *Amicus curiae* has an interest in this case and is well-placed to submit a brief *amicus curiae*.

States United is a non-profit, nonpartisan organization advancing free, fair, and secure elections. States United focuses on connecting state officials, law enforcement leaders, and pro-democracy partners across the country with the tools and expertise they need to safeguard our democracy. States United has significant experience in supporting state Secretaries of State across the county in their own efforts to protect elections, including the November 2020 general election.

2. *Amicus curiae’s* expertise is timely and useful to this Court.

Amicus curiae seeks to provide information to this Court about the vital role Secretaries of State play across the country in ensuring that the public has access to truthful information about elections and warning the public about misinformation that undermines the democratic process. This role includes not just providing information to the public at large, but also providing information to distributors of information, including social-media platforms, so that they can make more fully informed decisions about what information to amplify on their platforms. Just as government officials have long cautioned reporters not to run sources’ faulty versions of events, it is vital that Secretaries of State be able to tell Twitter when its platform is being used to spread misinformation.

3. No party's counsel will author this proposed *amicus curiae* brief in whole or in part. No party or party's counsel, and no person other than *Amicus Curiae*, contributed money intended to fund preparing or submitting the brief.

4. Per Local Rule 7.1, counsel for *Amicus Curiae* has sought assent to this motion from the parties. Counsel for the Commonwealth of Massachusetts has indicated their assent to this motion, and the National Association of State Election Directors does not object to the motion. At the time of filing, counsel for *Amicus Curiae* has not received an indication from the Plaintiff as to whether he assents or objects to the Motion.

WHEREFORE, the *Amicus Curiae* respectfully requests that this Court grant leave to file a brief 14 days after the Court's deadline for any *amici* for Plaintiff to file their *amici curiae* briefs, or in the alternative, 21 days after this motion for leave to file an *amicus curiae* brief is granted.

Respectfully submitted,

Amicus Curiae States United Democracy Center

By its attorneys,

/s/ M. Patrick Moore Jr.

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Dated: May 19, 2021

CERTIFICATE OF SERVICE

I certify that on May 19, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which automatically sends email notification of such filing to registered participants. Any other counsel of record will receive the foregoing via email in .pdf format.

/s/ M. Patrick Moore Jr.
M. Patrick Moore Jr.